

**REMARKS****I. Status of the Claims**

Claims 1-35, 50, 51, and 54-159 are currently pending. Of these, claims 1, 19, 20, 35, 50, 51, 54, 69, 70, 85, 86, 101, 102, 117, 118, 132, 133, and 147-157 are independent. By this Amendment, claims 31, 51, 129, and 144 are sought to be amended. Applicants believe that these changes introduce no new matter. Entry and consideration of this Amendment are respectfully requested.

**II. Rejections under 35 U.S.C. §103**

Claims 1-3, 15-22, 33-35, 50-51, 54-57, 62, 68-70, 72, 83-87, 89, 94, 100-102, 104, 115-120, 126, 131-133 and 145-159 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Saito, et al. (U.S. Patent No. 6,256,063, hereafter “Saito”) in view of Kobayashi et al. (U.S. Patent No. 5,136,320, hereafter “Kobayashi”).

These rejected claims include independent claims 1, 19, 20, 35, 50, 51, 54, 69, 70, 85, 86, 101, 102, 117, 118, 132, 133, and 147-157. Each of these independent claims recites features involving the judgment of a setting. For instance, the image sensing apparatus of claim 1 recites a determination device that judges at least whether an image sensing apparatus is in an external control state in which the apparatus is controlled by an external controller unit or the apparatus is in an image sensing state in which the apparatus is not controlled by the external controller unit. In addition, the independent claims recite features involving determining an operation of a driving device based on the setting.

Saito involves a camera that can connect to a host computer through a card interface. At column 9, line 63 through column 10, line 10, Saito discloses various control

operations performed by the host computer on the camera. However, as expressed by the Examiner on page 3 of the Office Action, Saito does not disclose a device that moves an image sensing optical system to image sensing and non-image sensing regions.

Also, Saito does not teach or suggest that the apparatus judges whether it is controlled by the external controller unit. For instance, although Saito discloses an apparatus capturing images when its shutter release button is pressed, it does not disclose judging whether it is not controlled by the external controller unit.

Kobayashi involves an electronically controlled camera having a motor for moving a lens. However, Kobayashi does not disclose or suggest an external controller that may control the lens. For at least this reason, Kobayashi fails to overcome the deficiencies of Saito.

Thus, the applied references fail to teach or suggest an image sensing apparatus judging whether it is in an image sensing state in which the apparatus is not controlled by an external unit (or is not functionally connected with the external unit). Also, these references fail to teach or suggest a driving operation of an image sensing optical system that is determined in accordance with the judging result. Therefore, Applicants assert that the claimed invention is patentable over the applied references.

With reference to the dependent claims, the Examiner applies additional references to make the following rejections of various dependent claims under 35 U.S.C. §103:

1. Dependent claims 4-6, 10, 11, 23-25, 27-29, 58-60, 63, 74-76, 78-80, 90-92, 95, 96, 106-108, 110-112, 121-123, 127, 136-138 and 140-142 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Saito, in view of Kobayashi and further in view of Takahashi (U.S. Patent No. 5,210,567, hereafter "Takahashi").
2. Dependent claims 7-8, 12-14, 26, 30-32, 56, 61, 65-67, 77, 81-83, 88, 93, 97-99, 109, 113-115, 125, 124, 128-130, 139 and 143-145 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Saito in view of Kobayashi

and further in view of Hashimoto, et al. (U.S. Patent No. 6,344,875, hereafter "Hashimoto").

3. Dependent claim 9 is rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Saito in view of Kobayashi and further in view of Prentice (U.S. Publication No. 2003/0030729, hereafter "Prentice").

However, these additional references do not appear to overcome the aforementioned shortcomings of Saito and Kobayashi. Therefore, Applicants request that these rejections be withdrawn for at least the reasons set forth above.

### **CONCLUSION**

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 1232-4522.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 1232-4522.

Respectfully submitted,  
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